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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/749,686

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Nikolai G. Nikolov

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SAP/BSTZ

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

1279 OAKMEAD PARKWAY

SUNNYVALE, CA 94085-4040

EXAMINER

WOOD, WILLIAM H

ART UNIT

PAPER NUMBER

2193

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/749,686	<b>Applicant(s)</b> NIKOLOV ET AL.	
	<b>Examiner</b> William H. Wood	<b>Art Unit</b> 2193	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/25/08</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

Claims 1-46 are pending and have been examined.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 25 February 2008 has been considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 2, 6, 14-19, 20, 24, 32-37, 38 and 42 rejected under 35 U.S.C. 102(e) as being anticipated by **Boykin** et al. (US Patent Application Publication 2004/0123279 A1).

Claim 1

**Boykin** disclosed a method, comprising:

performing the following by a dispatcher that dispatches method entry and/or exit points to a plug-in (*paragraph 0007, registry with probes; and paragraph 0036; dispatcher being the system, as dispatching is clearly performed by this system*):

receiving from a classfile registration information comprising a class name and different method names for more than one of said class's methods, each of said methods being modified with at least one additional byte code instruction to cause (*paragraphs 0007, instrument specific methods within a class and hooks into the loaded class; also 0029-0030, and 0033, 0038*), for its respective method, a plug-in module's handler method to provide output function treatment for said respective method (*paragraph 0007, probes in registry*); and,

referring to a plug-in pattern to determine which of a plurality of plug-in modules are appropriate for each of said class's methods, said plug-in pattern listing for each of said plug-in modules those of said methods that are to be handled with its corresponding output function treatment (*paragraph 0007, registry with probes; and paragraph 0036*).

Claim 2

**Boykin** disclosed the method of claim 1 wherein said class name is in the form of a character string (*paragraph 0054, table 1, see “class id”*).

Claim 6

**Boykin** disclosed the method of claim 1 wherein each of said method names are in a character string format (*paragraph 0054, table 1, see “method id”*).

Claim 14

**Boykin** disclosed the method of claim 1 wherein said receiving of registration information is in response to said classfile being loaded (*paragraph 0033*).

Claim 15

**Boykin** disclosed the method of claim 1 wherein at least one of said plurality of plug-in modules further comprise a handler method that performs a time recordation function (*paragraph 0005, license usage, logging*).

Claim 16

**Boykin** disclosed the method of claim 1 wherein at least one of said plurality of plug-in modules further comprise a handler method that performs a parameter value recordation function (*paragraph 0005, message logging, tracing*).

Claim 17

**Boykin** disclosed the method of claim 1 wherein said plurality of plug-in modules further comprise a handler method that performs a output function that increments a counter on a per method basis (*paragraph 0005, tracing*).

Claim 18

**Boykin** disclosed the method of claim 1 wherein said registration information further comprises arguments for each of said methods (*paragraph 0054, table 1, line “method id = ISRead” includes parameters*).

Claims 19, 20, 24 and 32-36

The limitations of claims 19, 20, 24 and 32-36 correspond to claims 1, 2, 6 and 14-18 and as such are rejected in a similar manner.

Claims 37, 38 and 42

The limitations of claims 37, 38 and 42 correspond to claims 1, 2 and 6 and as such are rejected in a similar manner. Additional limitations “executing a method ...” (*paragraph 0067*) and “translating information to a format” (*paragraph 0005, logs, traces*).

***Claim Rejections - 35 USC § 103***

Art Unit: 2193

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-5, 7-13, 21-23, 25-31, 39-41 and 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Boykin** et al. (US Patent Application Publication 2004/0123279 A1) in view of Applicant Admitted Prior Art (**AAPA**), (see MPEP 2144.03 C, for failure to adequately traverse in such a timely manner as before the next office action).

Claims 3-5 and 7-13

In regard to claims 3-5 and 7-13, **Boykin** did not explicitly state the identification conventions of a numeric name or naming in order. **AAPA** demonstrated that it was known at the time of invention to make use of numeric names and name based upon order. It would have been obvious to one of ordinary skill in the art at the time of invention to implement **Boykin**'s naming with numeric names and naming in order. This implementation would have been obvious because one of ordinary skill in the art would be motivated to make use of conventional identification schemes.

Claims 21-23, 25-31, 39-41 and 43-46

The limitations of claims 21-23, 25-31, 39-41 and 43-46 correspond to claims 3-5 and 7-13 and as such are rejected in a similar manner.

***Response to Arguments***

6. Applicant's arguments filed 25 February 2008 have been fully considered but they are not persuasive. Applicant argues **Boykin** fails to disclose: receiving from a classfile registration information comprising a class name and different method names for more than one of said class's methods. Applicant argues the claims require: a classfile that has already been modified.

First, **Boykin** clearly demonstrates registration information comprising class and method names as previously indicated. Further, this information is received from a classfile at very least by the developer, who then manipulates it to the appropriate storage location (paragraph 0035, "the software engineer obtains class files from some location yet desires the ability to instrument the class files"; and paragraph 0036).

Second, Applicant's claims do not clearly require modification to be "already". The broadest reasonable interpretation of the claim language, "being modified", does not force a particular timing.

The rejections are maintained as indicated.

***Conclusion***



**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### ***Correspondence Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 10:00am - 4:00pm Tuesday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis A. Bullock Jr. can be reached on (571)-272-3759. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR systems, see <http://pair-direct.uspto.gov>. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

/William H. Wood/  
William H. Wood  
Primary Examiner, Art Unit 2193  
July 25, 2008